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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LENWORTH HASTINGS,

Plaintiff,

vs.

CAL WESTERN RECONVEYANCE CORP.;
CHASE BANK (& JP MORGAN CHASE);
MARIX SERVICING COMPANY,
,
Defendants

Case No.: 2:11-cv-00762-PMP-RJJ

**ORDER GRANTING
MOTION FOR SUMMARY JUDGMENT
FILED BY JP MORGAN CHASE BANK,
N.A. AND MARIX SERVICING, LLC**

Defendants, JP Morgan Chase Bank, N.A., incorrectly designated as Chase Bank (& JP Morgan Chase) (“Chase”) and Marix Servicing, LLC, incorrectly designated as Marix Servicing Company (“Marix” and collectively “Defendants”), by and through its counsel of record, Christopher M. Hunter, Esq., of McCarthy & Holthus, LLP, filed a Motion for Summary Judgment (“Motion”) pursuant to FRCP 56 on June 13, 2011 (Docket No. 6). The Docket Report indicates that a Response to the Motion was due by July 7, 2011. No Response has been filed.

The Court having considered the moving papers, its own files, and good cause appearing, rules as follows:

1. Pursuant to Local Rule 7-2(b), any Response and/or Opposition to Defendants’ Motion for Summary Judgment was required to be filed with the Court and served within

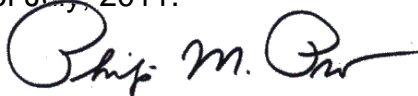
1 fourteen days after service of the motion. No Response and/or Opposition has been filed by the
2 Plaintiff regarding this matter. Pursuant to Local Rule 7-2(d), the failure of an opposing party to
3 file Points and Authorities in response to any Motion shall constitute consent to the granting of
4 the motion.

5 2. The Court does not grant summary judgment solely on the basis of the local rule
6 violation. However, the Court may grant the motion on any basis supported by the record.
7 *Henry v. Gill Industries, Inc.*, 983 F. 2d 943 (9th Cir. 1993); *United States v. Washington*, 969
8 F.2d 752 (9th Cir. 1992). The Court has considered the record based upon the Motion for
9 Summary Judgment and the documentation and evidence which is provided in the Motion and
10 finds that the record supports the granting of the Motion.

11 IT IS THEREFORE ORDERED, that based on the foregoing, Defendant's Motion for
12 Summary Judgment is GRANTED and Defendants, JP Morgan Chase Bank, N.A. and Marix
13 Serivcng,, LLC, are hereby dismissed with prejudice.

14
15 IT IS FURTHER ORDERED that the lis pendens affecting the property located at 3994
16 Windansea St., Las Vegas, Nevada (APN 163-17-810-015) and recorded by Plaintiff on April
17 13, 2011 in the public records of Clark County, Nevada as instrument number 201104130002726
18 is hereby expunged and shall have no further force or effect.

19 IT IS SO ORDERED this _ 11th day of July, 2011.

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21 _____
UNITED STATES DISTRICT JUDGE

22 Respectfully submitted,

23 McCarthy & Holthus

24 By: /s/Christopher M. Hunter
25 Christopher M. Hunter
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